IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. THE STATE OF MISSOURI; MICHAEL L. PARSON, Governor of the State of Missouri, in his official capacity; and ERIC SCHMITT, Attorney General of the State of Missouri, in his official capacity, Defendants.	)	Case No. 2:22-cv-4022

Don Hamrick
322 Rouse Street
Kensett, AR 72082

SECOND AMICUS CURIAE BRIEF OF PRIVATE CITIZEN DON HAMRICK IN FAVOR OF THE STATE OF MISSOURI

ON PRESIDENT JOE BIDEN'S TREASONS

FEDERALIST NOS. 6, 10, 43 AND 69 ON TREASON

UNSPOKEN TREASONS IS "WAR ON THE CONSTITUTION"

Treason doeth never prosper, what's the reason?
For if it prosper, none dare call it Treason.

SIR JOHN HARINGTON, "OF TREASON," *The Letters and Epigrams of Sir John Harington . . .*, ed. Norman E. McClure, book 4, epigram 5, p. 255 (1977). The complete edition of his epigrams was published in **1618**. In Suzy Platt, ***RESPECTFULLY QUOTED: A DICTIONARY OF QUOTATIONS REQUESTED FROM THE CONGRESSIONAL RESEARCH SERVICE***, Library of Congress, Washington, DC (1989).

MY DECREE NISI ALIUD CONVENERIT

In accordance with the ***TENTH AMENDMENT POWERS RESERVED TO THE PEOPLE THEMSELVES*** protected by the ***NINTH AMENDMENT*** and the ***PETITION CLAUSE OF THE FIRST AMENDMENT*** and in accordance with the ***CHECKS AND BALANCE SYSTEM*** of our ***GUARANTEED REPUBLICAN FORM OF GOVERNMENT***, known as ***FEDERALISM*** and ***ORIGINALISM***, I declare President Joe Biden's and U.S. Attorney General Merrick Garland's attack on ***MISSOURI'S SECOND AMENDMENT PRESERVATION ACT*** to be an act of ***TREASON***, a ***FRAUD IN THE INDUCEMENT***, a ***FRAUD IN THE FACTUM***, a ***FRAUD IN THE MAKING***, and a ***FRAUD ON THE COURT***.

THE PURPOSE OF THIS AMICUS CURIAE BRIEF

To show that the ***DEMOCRATIC NATIONAL COMMITTEE*** is a perpetually treasonous political party for their relentless attacks on the ***COMMON DEFENCE*** for a ***MORE PERFECT UNION*** compelling this ***FEDERAL COURT*** to issue a ***DECREE NISI*** to the ***U.S. SUPREME COURT*** to ***DECLARE*** the ***DEMOCRATIC NATIONAL COMMITTEE*** a treasonous political party and to dissolve the DNC and banning every Democrat from State or Federal Government Service for life.

This is essentially ***A PURGE OF A TREASONOUS POLITICAL PARTY*** in accordance with the ***TENTH AMENDMENT POWERS RESERVED TO THE PEOPLE THEMSELVES*** that is protected by the ***NINTH AMENDMENT*** to which the ***AMERICAN PEOPLE NATIONWIDE*** already voiced their demand with their **FUCK JOE BIDEN** chant at sporting events.

Mandatory Expanded Reading List Documenting President Joe Bidden's TREASONS

http://americancommondefencereview.files.wordpress.com/2022/01/the-law-of-nations-on-civil-war-1.pdf
https://americancommondefencereview.files.wordpress.com/2022/01/law-of-natons.pdf
https://americancommondefencereview.files.wordpress.com/2021/09/follow-up-on-enough-is-enough.pdf

THIS IS A FOLLOW UP ON THE ARTICLE 94 TREASON CHARGE.
SEE PAGE 4 AS A TREASON CHARGE AGAINST NANCY PELOSI.
NANCY PELOSI HATES DONALD TRUMP!
BUT SHE LIKES THIS GUY?
THAT'S TREASON IN ITSELF!

https://americancommondefencereview.files.wordpress.com/2021/09/article-94-treason-vs-joe-biden.pdf

THIS ONE IS MOST IMPORTANT!

https://americancommondefencereview.files.wordpress.com/2021/05/we-the-people-are-the-government.pdf

https://americancommondefencereview.files.wordpress.com/2021/05/nysrpsa-trivializes-the-second-amendment.pdf

https://americancommondefencereview.files.wordpress.com/2021/03/cnn-transcripts-senators-grill-fbi-director-march-2-2021.pdf

https://americancommondefencereview.files.wordpress.com/2021/03/president-bidens-trifecta-perfecta-of-treason.pdf

https://americancommondefencereview.files.wordpress.com/2021/02/my-letter-to-joint-chiefs-chairman-gen.-mark-milley.pdf

Right of Revolution

John Locke, Second Treatise
Chapter 3 §§ 149, 155

(Year 1689)[1]

§ 149. Though in a Constituted Commonwealth, standing upon its own Basis, and acting according to its own Nature, that is, acting for the preservation of the Community, there can be but ***one Supream Power***, which is ***the Legislative***, to which all the rest are and must be subordinate, **yet the Legislative being only a Fiduciary Power to act for certain ends, there remains still *in the People a Supream Power* to remove or *alter the Legislative*, when they find the *Legislative* act contrary to the trust reposed in them. For all *Power given with trust* for the attaining an *end*, being limited by that end, whenever that *end* is manifestly neglected, or opposed, the *trust* must necessarily be *forfeited*, and the Power devolve into the hands of those that gave it, who may place it anew where they shall think best for their safety and security. And thus the *Community* perpetually *retains a Supream Power* of saving themselves from the attempts and designs of any Body, even of their Legislators, whenever they shall be so foolish, or so wicked, as to lay and carry on designs against the Liberties and Properties of the Subject. For no Man, or Society of Men, having a Power to deliver up their *Preservation*, or consequently the means of it, to the Absolute Will and arbitrary Dominion of another; whenever any one shall go about to bring them into such a Slavish Condition, they will always have a right to preserve what they have not a Power to part with; and to rid themselves of those who invade this Fundamental, Sacred, and unalterable Law of *Self-Preservation*, for which they enter'd into Society. And thus the *Community* may be said in this respect to be *always the Supream Power*, but not as considered under any Form of Government, because this Power of the People can never take place till the Government be dissolved.**

[1] https://press-pubs.uchicago.edu/founders/documents/v1ch3s2.html

. . . . .

§ 155. It may be demanded here, What if the Executive Power being possessed of the Force of the Commonwealth, shall make use of that force to hinder the *meeting* and *acting of the Legislative,* when the Original Constitution, or the publick Exigencies require it? I say using Force upon the People without Authority, and contrary to the Trust put in him, that does so, is a state of War with the People, who have a right to *reinstate* their *Legislative in the Exercise* of their Power. For having erected a Legislative, with an intent they should exercise the Power of making Laws, either at certain set times, or when there is need of it; when they are hindr'd by any force from, what is so necessary to the Society, and wherein the Safety and preservation of the People consists, the People have a right to remove it by force. **In all States and Conditions the true remedy of *Force* without Authority, is to oppose *Force* to it. The use of *force* without Authority, always puts him that uses it into a *state of War*, as the Aggressor, and renders him liable to be treated accordingly.**

1782

FORESIGHT

"If we are wise, let us prepare for the worst." George Washington to James McHenry, Verplank's Point, N.Y., September 12, 1782.[2]

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[2] In John P. Kaminski, George Washington: A Man of Action. Published for The Center for the Study of the American Constitution by the Wisconsin Historical Society Press, 2017

November 14, **1787**

FEDERALIST NO. 6

CONCERNING DANGERS FROM DISSENSIONS BETWEEN THE STATES

FOR THE INDEPENDENT JOURNAL.

HAMILTON

TO THE PEOPLE OF THE STATE OF NEW YORK:

The three last numbers of this paper have been **dedicated to an Enumeration of the dangers to which we should be exposed, in a state of disunion**, from the arms and arts of foreign nations. I shall now proceed to delineate dangers of a different and, perhaps, still more alarming kind—**those which will in all probability flow from dissensions between the states themselves, and from domestic factions and convulsions**. These have been already in some instances slightly anticipated; but they deserve a more particular and more full investigation.

A man must be far gone in utopian speculations who can seriously doubt that, if these states should either be wholly disunited, or only united in partial confederacies, **the subdivisions into which they might be thrown would have frequent and violent contests with each other.** To presume a want of motives for such contests as an argument against their existence, **would be to forget that men are ambitious, vindictive, and rapacious**. To look for a continuation of harmony between a number of independent, unconnected sovereignties in the same neighborhood, would be to disregard the uniform course of human events, and to set at defiance the accumulated experience of ages.

The causes of hostility among nations are innumerable. There are some which have a general and almost constant operation upon the collective bodies of society. **Of this description are the love of power or the desire of pre-eminence and dominion—the jealousy of power, or the desire of equality and safety**. There are others which have a more circumscribed though an equally operative influence within their spheres. Such are the rivalships and competitions of commerce between commercial nations. and there are others, not less numerous than either of the former, which take their origin entirely in private passions; in the attachments, enmities, interests, hopes, and fears of leading individuals in the communities of which they are members. Men of this class, whether the favorites of a king or of a people, **have in too many instances abused the confidence they possessed; and assuming the pretext of some public motive, have not scrupled to sacrifice the national tranquillity to personal advantage or personal gratification**.

November 22, **1787**

FEDERALIST No. 10

THE SAME SUBJECT CONTINUED

(THE UNION AS A SAFEGUARD AGAINST DOMESTIC FACTION AND INSURRECTION)

From the New York Packet.

Friday, November 23, **1787**.

MADISON

To the People of the State of New York:

AMONG the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. The friend of popular governments never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice. He will not fail, therefore, to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. The instability, injustice, and confusion introduced into the public councils, have, in truth, been the mortal diseases under which popular governments have everywhere perished; as they continue to be the favorite and fruitful topics from which the adversaries to liberty derive their most specious declamations. The valuable improvements made by the American constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unwarrantable partiality, to contend that they have as effectually obviated the danger on this side, as was wished and expected. Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority. However anxiously we may wish that these complaints had no foundation, the evidence, of known facts will not permit us to deny that they are in some degree true. It will be found, indeed, on a candid review of our situation, that some of the distresses under which we labor have been erroneously charged on the operation of our governments; but it will be found, at the same time, that other causes will not alone account for many of our heaviest misfortunes;and, particularly, for that prevailing and increasing distrust of public engagements, and alarm for private rights, which are echoed from one end of the continent to the other. These must be chiefly,if not wholly, effects of the unsteadiness and injustice with which a factious spirit has tainted our public administrations.

By a faction, I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adversed to the rights of other citizens, or to the permanent and aggregate interests of the community.

There are two methods of curing the mischiefs of faction:

> the one, by removing its causes;
>
> the other, by controlling its effects.

There are again two methods of removing the causes of faction:

> the one, by destroying the liberty which is essential to its existence;
>
> the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said than of the first remedy, that it was worse than the disease. Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

The second expedient is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

The latent causes of faction are thus sown in **the nature of man**; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. ***A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good. So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts.***

January 22, 1788

FEDERALIST No. 43

THE SAME SUBJECT CONTINUED

(THE POWERS CONFERRED BY THE CONSTITUTION FURTHER CONSIDERED)

FOR THE INDEPENDENT JOURNAL.

MADISON

TO THE PEOPLE OF THE STATE OF NEW YORK:

THE FOURTH CLASS COMPRISES THE FOLLOWING MISCELLANEOUS POWERS:

3. ***To declare the punishment of treason,*** but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attained. "***As treason may be committed against the United States, the authority of the United States ought to be enabled to punish it. But as new-fangled and artificial treasons have been the great engines by which violent factions, the natural offspring of free government, have usually wreaked their alternate malignity on each other, the convention have, with great judgment, opposed a barrier to this peculiar danger, by inserting a constitutional definition of the crime, fixing the proof necessary for conviction of it, and restraining the Congress, even in punishing it, from extending the consequences of guilt beyond the person of its author.***"

March 14, 1788

FEDERALIST No. 69

THE REAL CHARACTER OF THE EXECUTIVE

From the New York Packet.

Friday, March 14, **1788.**

HAMILTON

To the People of the State of New York:

I PROCEED now to trace the real characters of **the proposed Executive**, as they are marked out in the plan of the convention. This will serve to place in a strong light the unfairness of the representations which have been made in regard to it.

The first thing which strikes our attention is, that **the executive authority**, with few exceptions, is to be vested in a **single magistrate**. This will scarcely, however, be considered as a point upon which any comparison can be grounded; for if, in this particular, **there be a resemblance to the king of Great Britain, there is not less a resemblance to the Grand Seignior, to**

the khan of Tartary, to the Man of the Seven Mountains, or to the governor of New York.

That magistrate is to be elected for FOUR years; and is to be re-eligible as often as the people of the United States **shall think him worthy of their confidence.** In these circumstances there is a total dissimilitude between HIM and a king of Great Britain, who is a HEREDITARY monarch, possessing the crown as a patrimony descendible to his heirs forever; but there is a close analogy between HIM and a governor of New York, who is elected for THREE years, and is re-eligible without limitation or intermission. If we consider how much less time would be requisite for establishing a dangerous influence in a single State, than for establishing a like influence throughout the United States, we must conclude that a duration of FOUR years for the Chief Magistrate of the Union is a degree of permanency far less to be dreaded in that office, than a duration of THREE years for a corresponding office in a single State.

The **PRESIDENT OF THE UNITED STATES** would be liable to be impeached, tried, and, **UPON CONVICTION OF TREASON**, bribery, or other high crimes or misdemeanors, **REMOVED FROM OFFICE**; and would afterwards be liable to prosecution and punishment in the ordinary course of law.

. . .

***The President is to be the commander-in-chief of the army and navy of the United States*, and of the militia of the several States, when called into the actual service of the United States.**

. . .

The better to judge of this matter, it will be necessary to recollect, that, by the proposed Constitution, ***THE OFFENSE OF TREASON IS LIMITED "TO LEVYING WAR UPON THE UNITED STATES, AND ADHERING TO THEIR ENEMIES, GIVING THEM AID AND COMFORT"***;

(I DON'T DRINK THE U.S. SUPREME COURT'S KOOL AID)

THE LAW OF NATIONS

OR

Principles of the Law of Nature

APPLIED TO
THE CONDUCT AND AFFAIRS OF
NATIONS AND SOVEREIGNS .

—

FROM THE FRENCH OF
MONSIEUR DE VATTEL.

SIXTH AMERICAN EDITION, FROM
a New IDrtiolt, .

BY
JOSEPH CHITTY, ESQ.

BARRISTER AT .LAW.

PHILADELPHIA:

T. & J. W. JOHNSON, LAW BOOKSELLERS,
SUCCESSORS TO NICKLIN & JOHNSON. NO.5, MINOR STREET.

1844

BOOK I.

OF NATIONS, CONSIDERED IN THEMSELVES.

Page 17. (PDF p. 82)

CHAP. IV. OF THE SOVEREIGN, HIS OBLIGATIONS, AND HIS RIGHTS.

[TABLE OF CONTENTS (PDF page 22)]:
§ 51. But the nation may repress a tyrant, AND RENOUNCE HER ALLEGIANCE TO HIM.

[CHAP. IV.]
§ 51. But the nation may curb a tyrant, AND WITHDRAW ITSELF FROM HIS OBEDIENCE. [PDF page 82].

> But this high attribute of sovereignty is no reason why the nation should not curb an insupportable tyrant, pronounce sentence on, him (still respecting in his person the majesty of his rank), and withdraw itself from his

obedience. To this indisputable right a powerful republic owes its birth. The tyranny exercised by Philip II in the Netherlands excited those provinces to rise: seven of them, closely confederated, bravely maintained their liberties, under the conduct of the heroes of the House of Orange; and Spain, after several vain and ruinous efforts, acknowledged them sovereign and independent states. If the authority of the prince is limited and regulated by the fundamental laws, the prince, **on exceeding the bounds prescribed him, commands without any right**, and even without a just title: **the nation is not obliged to obey him, but may resist his unjust attempts. As soon as a prince attacks the constitution of the state, he breaks the contract which bound the people to him; the people become free by the act of the sovereign, and can no longer view him but as a usurper who would load them with oppression.** This truth is acknowledged by every sensible writer, whose pen is not enslaved by fear, or sold for hire. **But some celebrated authors maintain, that if the prince is invested with the supreme command in a full and absolute manner, nobody has a right to resist him, much less to curb him, and that nought remains for the nation but to suffer and obey with patience.** This is founded upon the supposition that such a sovereign is not accountable to any person for the manner in which he governs, and that if the nation might control his actions and resist him, where it thinks them unjust, his authority would no longer be absolute; which would be contrary to this hypothesis. They say that an absolute sovereign completely possesses all the political authority of the society, which nobody can oppose; that, if he abuses it, he does ill indeed, and wounds his conscience; but that his commands are not the less obligatory, as being founded on a lawful right to command; that the nation, by giving him absolute authority, has reserved no share of it to it answering, that in this light there is not any sovereign who is completely and fully absolute. But in order to remove all these vain subtleties, let us remember the essential end of civil society. Is it not to labour in concert for the common happiness of all? Has it not with this view that every citizen divested himself of his rights? and resigned his liberty? Could the society make such use of its authority, as irrevocably to surrender itself and all its members to the discretion of a cruel tyrant? No, certainly, since it would no longer possess any right itself, if it were disposed to oppress a part of the citizens. When, therefore, it confers the supreme and absolute government, without any express reserve, it is necessarily with the tacit reserve that the sovereign shall use it for the safety of the people, **and not for their ruin**. If he becomes the scourge of the state, he degrades himself; **he is no better than a public enemy**, against whom the nation may and ought to defend itself; **and if he has carried his tyranny to the utmost height, why should even the life of so cruel and perfidious an enemy be spared?** Who should presume to blame the conduct of the Roman senate, that declared Nero **an enemy to his country**?

But it is of the utmost importance to observe, that this judgment can only be passed by the nation, or by a body which represents it, and that the nation itself cannot make any attempt on the person of the sovereign, except in cases of extreme necessity, and when the prince, by violating the laws, and threatening the safety of his people, puts himself in a state of war against them. It is the person of the sovereign, not that of

an unnatural tyrant and a public enemy, that the interest of the nation declares sacred and inviolable. We seldom see such monsters as Nero. In the more common cases, when a prince violates the fundamental laws; when he attacks the liberties and privileges of his subjects; or (if he be absolute) when his government, without being carried to extreme violence, manifestly tends to **the ruin of the nation**; **it may resist him, pass sentence on him, and withdraw from his obedience; but though this may be done, still his person should be spared, and that for the welfare of the state**'*'o ,It is above a century since the English took up arms against their king, and obliged him to descend from the throne. A set of able enterprising men, spurred on by ambition, took advantage of the terrible ferment caused by fanaticism and party spirit; and Great Britain suffered her sovereign to die unworthily on a scaffold. The nation coming to itself discovered its former blindness. If, to this day, it still annually makes a solemn atonement, it is not only, from the opinion that the unfortunate Charles I. did not deserve so cruel a fate, but, doubtless, from a conviction that the very safety of the state requires the person of the sovereign to be held sacred and inviolable, and that the whole nation ought to render this maxim venerable, by paying respect to it when the care of its own preservation will permit.

One word more on the distinction that is indeavoured to be made here in favour of an absolute sovereign. Whoever has well weighed the force of the indisputable principles we have established, will be convinced, that when it is necessary to resist a prince **who has become a tyrant**, the *right* of the people is still the same, whether that prince was made absolute by the laws, or was not; because that right is derived from what is the object of all political society—the safety of the nation which is the supreme law*. But, if the distinction of which we are treating is of no moment with respect to the right, it can be of none in practice, with respect to expediency. As it is very difficult to oppose an absolute prince, and it cannot be done without raising great disturbances in the state, and the most violent and dangerous commotions, it ought to be attempted only in cases of extremity, when the public nisery is raised to such a height, that the people may say with Tacitus, *miscram pacem vel bello bene mutari,* [Translation: "mix peace or war successfully"] that it is better to expose themselves to a civil war, than to endure them. But if the prince's authority be limited if it in some respects depends on a senate, or a parliament that represents the nation, there are means of resisting and curbing him, without exposing the state to violent shocks. When mild and innocent remedies can be applied to the evil, there can be no reason for waiting until it becomes extreme.

BOOK III

CHAP. XVIII.

OF CIVIL WAR.

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§ 287. Foundation of the sovereign's rights against the rebels.

It is a question very much debated, whether a sovereign is bound to observe the common laws of war towards rebellious subjects who have openly taken up arms against him? A flatterer, or a prince of a cruel and arbitrary disposition, will immediately pronounce that **the laws of war were not made for rebels, for *whom no punishment can be too severe.** Let us proceed more soberly, and reason from the incontestible principles above laid down. **In order clearly to discover what conduct the sovereign ought to pursue towards revolted subjects**, we must, in the first place, recollect that **all the sovereign's rights are derived from those of the state or of civil society, from the trust reposed in him, from the obligation he lies under of watching over the welfare of the nation, of procuring her greatest happiness, of maintaining order, justice, and peace within her boundaries** (Book 1. Chap. IV.) Secondly, **we must distinguish the nature and degree of the different disorders which may disturb the state, and oblige the sovereign to take up arms, or substitute forcible measures instead of the milder influence of authority.**

§ 288. Who are rebels.

The name of ***rebels*** is given to all subjects who **unjustly take up arms against the ruler of the society**, whether their view he to deprive him of the **supreme authority**, or **to resist his commands in some particular instance, and to impose conditions on him**.

§ 289. A **popular commotion** is a concourse of people who assemble in a tumultuous manner, and refuse to listen to the voice of their superiors, whether the design of the assembled multitude be levelled against the

superiors themselves, or only against some private individuals. **Violent commotions** of this kind take place when the people think themselves aggrieved and there is no order of men who so frequently give rise to them as the tax-gatherers. If the rage of the **malcontents** be **particularly levelled at the magistrates, or others vested with the public authority**, and they proceed to a formal **disobedience** or acts of **open violence**, this is called a ***sedition***. When the evil spreads, when it infects the majority of the inhabitants of a city or province, and gains such strength that even the sovereign is no longer obeyed, it is usual more particularly to distinguish such a disorder by the name of ***insurrection***.

§ 290. Popular commotion, insurrection, sedition.

All these violences disturbed the public order, and are **state crimes**, even when arising from **just causes of complaint**. For **violent measures are forbidden in civil society**: the injured individuals should **apply to the magistrate for redress**; and **if they do not obtain justice from that quarter, they may lay their complaints at the foot of the throne**. Every citizen should even patiently endure evils which are not insupportable, rather than disturb the public peace. **A denial of justice on the part of the sovereign, or affected delays, can alone excuse the furious transports of a people whose patience has been exhausted, and even justify them, if the evils be intolerable, and the oppression great and manifest.** But what conduct shall the sovereign observe towards the insurgents? I answer, in general, such conduct as shall at the same time be the most consonant to justice, and the most salutary to the state. Although it be his **duty to repress** those who **unnecessarily** disturb the public peace, he is bound to shew clemency towards unfortunate persons, to whom just causes of complaint have been given, and whose sole crime consistds in the attempt to do themselves justice: they have been deficient in patience rather than fidelity. ***Subjects who rise against their prince** [*422] [*423]

[p. 423]

without cause deserve severe punishment: **yet, even in this case, on account of the number of the delinquents, clemency becomes a duty in the sovereign**. Shall be depopulate a city, or desolate a province, in order to punish her rebellion? Any punishment, however just in itself, which embraces too great a number of persons, becomes an act of downright cruelty. Had the insurrection of the Netherlands against Spain been totally unwarrantable, universal detestation would still attend the memory of the duke of Alva, who made it his boast that he had caused twenty thousand heads to be struck off by the hands of the common executioner. Let not his sanguinary imitators expect to justify their enormities by the plea of necessity. What prince ever suffered more outrageous indignities from his subjects than Henry the Great, of France? Yet his victories were ever accompanied by a uniform clemency; and that excellent prince at length obtained the success he deserved: he gained a nation of faithful subjects; whereas the duke of Alva caused his master to lose the United Provinces. Crimes in which a number of persons are involved, are to be punished by penalties which shall equally fall on all the parties concerned: the sovereign may deprive a town of her privileges, at least till she has fully acknowledged

her fault: as to corporeal punishment, let that be reserved for the authors of the disturbances,—for those incendiaries who incite the people to revolt. **But tyrants alone will treat, as seditious, these brave and resolute citizens who exhort the people to preserve themselves from oppression, and to vindicate their rights and privileges: a good prince will commend such virtuous patriots, provided their zeal be tempered with moderation and prudence. If he has justice and his duty' at heart,—if he aspires to that immortal and unsullied glory of being the father of his people, let him mistrust the selfish suggestions of that minister who represents to him as rebels all those citizens who do not stretch out their necks to the yoke of slavery,—who refuse tamely to crouch under the rod of arbitrary power.**

§ 291. He is bound to perform the promises he has made to the rebels.

In many cases, the safest and at the same time the most just method of appeasing seditions is, to give the people satisfaction. And if there existed no reasons to, justify the insurrection (a circumstance which perhaps never happens), even in such case, It becomes necessary, as we have above observed, to grant an amnesty where the offenders are numerous. When the amnesty is once published and accepted, all the past must be buried in oblivion; nor must any one be called to account for what has been done during the disturbances; and in general, the sovereign, whose word ought ever to be sacred, is bound to the faithful observance of every promise he had made, even to rebels,—I mean, to such of his subjects as have revolted without reason or necessity. If his promises are not inviolable, the rebels will have no security in *treating with him: when they have once drawn the sword, they must throwaway the scabbard, as one of the ancients expresses it; and the prince, destitute of more gentle and salutary means of appeasing the revolt, will have no other remaining expedient than that of utterly exterminating the insurgents. These will become formidable through despair; compassion will bestow succours on them; their party will increase and the state will be in danger. What would have become of France,

(*424)

[p. 424]

if the leaguers had thought it unsafe to rely on the promises of Henry the Great? The same reasons which should render the faith of promises inviolable and sacred between individual and individual, between sovereign and sovereign, between enemy and enemy (Book II. §§ 163,218, &c" aud Book III. § 174), subsist in all their force between the sovereign and his insurgent or rebellious subjects. However, if they have extorted from him odious conditions, which are inimical to the happiness of the nation or the welfare of the state,—as he has no right to do or grant any thing contrary to that grand rule of his conduct, which is at the same time the measure of his power, he may justly revoke any pernicious concessions which he has been obliged to make, provided the revocation be sanctioned by the consent of the nation, whose opinion he must take on the subject, in the manner and forms pointed out to him by the constitution of the state. But this remedy is to be

used with great reserve, and only in matters of high importance, lest the faith of promises should be weakened and brought into disrepute. [FN]†

[FN]† An instance of this occurs in the transactions which took place after the insurrection at Madrid, in 1766. At the requisition of the ceortes, the kmg revoked the concessions which he had heen obliged to make to the insurgent populace: but he suffered the amnesty to remain in force. [*425]

§ 292. Civil war.

When a party is formed in a state, who no longer obey the sovereign, and are possessed of sufficient strength to oppose him,—or when, in a republic, the nation is divided into two opposite factions, and both sides take up arms,—**this is called a *civil war*.** Some writers confine this term to a just insurrection of the subjects against their sovereign, to distinguish that lawful resistance **from *rebellion*, which is an open and unjust resistance**. But what appellation will they give to a war which arises in a republic torn by two factions,—or in a monarchy, between two competitors for the crown? Custom appropriates the term of *"civil war,"* to every war between the members of one and the same political society. If it be between part of the citizens on the one side, and the sovereign with those who continue in obedience to him on the other, provided the malcontents have any reason for taking up arms, nothing further is required to entitle such disturbance to the name of *civil war,* and not that of *rebellion.* This latter term is applied only to such an insurrection against lawful authority as is void of all appearance of justice. *The sovereign indeed never fails to bestow the appellation of *rebels* on all such of his subjects as openly resist him: but, when the latter have acquired sufficient strength to give him effectual opposition, and to oblige him to carry on the war against them according to the etablished rules, he must necessarily submit to the use of the term "civil war."

§ 293. A civil war produces two independent parties.

It is foreign to our purpose in this place to weigh the **reasons which may authorise and justify a civil war: we have elsewhere treated of the cases wherein subjects may resist the sovereign (Book 1. Ch. IV.)** Setting, therefore, the justice of the cause wholly out of the question, it only remains for us to consider the maxims which ought to be observed in a civil war, and to examine whether the sovereign in particular, on such an occasion, bound to conform to the established laws of war.

[p. 425]

A civil war breaks the bands of society and government, or at least suspends their force and effect: it produces in the nation two independent parties, who consider each other as enemies, and acknowledge no common judge. Those two parties, therefore, must necessarily, be considered as thenceforward constituting, at least for a time, two separate bodies, two distinct societies. Though one of the parties may have been to blame in breaking the unity of the state and resisting the lawful authority, they are not the less divided in fact. Besides, who shall judge them? who shall pronounce on which side the right or wrong lies? On earth they have no common superior. They stand

therefore in precisely the same predicament as two nations, who engage in a contest, and, being unable to come to an agreement, have recourse to arms.

§ 294. They are to observe the common laws of war.

This being the case, it is very evident that the common laws of war,—those maxims of humanity, moderation, and honour, which we have already detailed in the course of this work,—ought to be observed by both parties in every civil war. For the same reasons which render the observance of those maxims a matter of obligation between state and state, it becomes equally and even more necessary in the unhappy circumstance of two incensed parties lacerating their common country. Should the sovereign conceive he has a right to hang up his prisoners as rebels, the opposite party will make reprisals [FN]†:—if he does not religiously observe the capitulations, and all other conventions made with his enemies, they will no longer rely on his word:—should he burn and ravage, they will follow his example; the war will become cruel, horrible, and *every day more destructive to the nation. The duke de Montpensir's infamous and barbarous excesses against the reformed party in France are too well known: the men were delivered up to the executioner, and the women to the brutality of the soldiers. "What was the consequence? the protestants became exasperated; they took vengeance of such inhuman practices; and the war, before sufficiently cruel as a civil and religious war, became more bloody and destructive. Who could without horror read of the savage cruelties committed by the Baron Des Adrets? By turns a catholic and a protestant, he distinguished himself by his barbarity on both sides. At length it became necessary to relinquish those pretensions to judicial authority over men who proved themselves capable of supporting their cause by force of arms, and to treat them, not as criminals, but as enemies. Even the troops have often refused to serve in a war wherein the prince exposed them to cruel reprisals. Officers who had the highest sense of honour, though ready to shed their blood in the field of battle for his service, had not thought it any part of their duty to run the hazard of an ignominious death.

Whenever, therefore, a numerous body of men think they have a right to resist tbe sovereign, and feel themselves in a condition to appeal to the sword, the war ought to be carried on by the contending parties in the same manner as by two different nations; and they ought to leave open the same means for preventing its being carried to outrageous extremities, and for the restoration of peace.

When the sovereign has subdued the opposite party, and reduced them to submit and sue for peace, he may except from the amnesty the authors of the disturbances,—the heads of the party: he may bring them to a legal trial, and punish them, if they be found guilty. He may act in this manner particularly on occasions of those disturbances in which the interests of the people are not so much the object in view as the private aims of some powerful individuals, and which rather deserve tee appellation of *revolt* than of *civil war*. Such was the case of the unfortunate duke of Montmorency:—he took up arms against the king, in support of the duke of Orleans; and being defeated and taken prisoner at the battle of Castelnaudari, he lost his life on a scaffold, by the sentence of the parliament

of Toulouse. If he was generally pitied by all men of worth and sentiment, it was because they viewed him rather as an opponent to the exorbitant power of an imperious minister, than as' a rebel against his sovereign,—and that his heroic virtues seemed to warrant the purity of his intentions.

§ 295. The effects of civil war distinguished according to cases.

When subjects take up arms without ceasing to acknowledge the sovereign, and only for the purpose of obtaining a redress of their grievances, there are two reasons for observing the common laws of war towards them:—First, an apprehension lest the civil war should become more cruel and destructive by the insurgents *making retaliation, which, as we have already observed, they will not fail to do, in return for the severities exercised by the sovereign. 2. The danger of committing great injustice by hastily punishing those who are accounted rebels. The flames of discord and civil war are not favourable to the proceedings of pure and sacred justice: more quiet times are to be waited for. It will be wise in the prince to keep his prisoners till, having restored tranquility, he is able to bring them to a legal trial. , As to the other effects which the law of nations attributes to public war, see Chap. XII. of this Book, and particularly the acquisition, of things taken in war,—subjects who take up arms against their sovereign without ceasing to acknowledge him, cannot lay claim to the benefit of those effects. The booty alone, the moveable property earned off by the enemy, is considered as lost to the owners; but this is only on, account of the difficulty of recognising it, and the numberless inconeniences which would arise from the attempt to recover. All this is usually settled in the edict of pacification, or the act of amnesty.

But, when a nation becomes divided into two parties absolutely independent, and no longer acknowledging a common superior, the state is dissolved, and the war between the two parties stands on the same ground, In every respect, as a public war between two different nations. Whether a republic be split into two factions, each maintaining that it alone constitutes the body of the state,—or a kingdom be divided between two competitors for the crown,—the nation is severed into two parties, who will mutually term each other rebels. Thus there exist in the state two separate bodies, who pretend to absolute independence, and between whom there is no judge (§ 293). They decide their quarrel by arms, as two different nations would do. The obligation to observe the common law of war towards each other is therefore absolute,—indispensably binding on both parties, and the same which the law of nature imposes on all nations in transactions between state and state.

§ 296. Conduct to be observed by foreign nations.

Foreign nations are not to interfere in the internal government of an independent state (Book II. § 54, &c.)· It belongs not to them to judge between the citizens whom discord has roused to arms, nor between the prince and his subjects: both parties are equally foreigners to them, and equally independent of their authority. They may, however, interpose their good offices for the restoration of peace; and this the law of nature prescribes to them (Book II. Ch. 1.) But, if their mediation proves fruitless, such of them as are not bound by any treaty, may, with the view of regulating

their own conduct, take the merits of the cause into consideration, and assist the party which they shall judge to have right on its side, in case that party requests their assistance or accepts the [FN]*offer of it: they are equally at liberty, I say, to do this, as to espouse the quarrel of one nation embarking in a war against another. As to the allies of the state thus distracted by civil war, they will find a rule for their conduct in the nature of their engagements, combined with the existing circumstances. Of this we have treated elsewhere. (See Book II. Chap. XII. and particularly §§ 196 and 197).

The font style of the title above implies the **LAW OF NATIONS** is derived from **THE PRINCIPLES OF THE LAW OF NATURE**. This confirms the **DECLARATION OF INDEPENDENCE** and the **UNITED STATES CONSTITUTION** as remaining true to **THE PRINCIPLES OF THE LAW OF NATURE**. Hence the reference to **FIRST PRINCIPLES** which includes **THE RIGHT AND DUTY TO KEEP AND BEAR ARMS** wherever you go nationwide, confirmed by ***Dred Scott* v. *Sanford*** 60 U.S. 393 at 416-417 (**1856**) and by ***Boyd* v. *United States***,116 U.S. 616 at 635 (**1886**) *"It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any* ***stealthy encroachments*** *thereon. Their motto should be* ***obsta principiis***.🕮 *We have no doubt that the legislative body is actuated by the same motives, but the vast accumulation of public business brought before it sometimes prevents it, on a first presentation, from noticing objections which become developed by time and the practical application of the objectionable law."*

🕮 ***DEFINITION:*** *BLACK'S LAW DICTIONARY*, 11th ed., (2019) p. 1296. [Latin] (16c) ***"Withstand beginings; resist the first approaches or encroachments."***

QUI NON OBSTAT QUOD OBSTARE POTEST FACERE VIDETUR. = ***"He who does not prevent what he is able to prevent, is considered as committing the thing."*** *BLACK'S LAW DICTIONARY*, 11th ed., (2019) Appendix A: LEGAL MAXIM, #2330, p. 2004.

Hence, the **U.S. SUPREME COURT is a treasonous KANGAROO COURT** pushing false judicial doctrines by refusing to declare **FEDERAL AND STATE GUN CONTROL** laws unconstitutional and treasonous to our **BILL OF RIGHTS AND DUTIES.**

Frederick Douglass,
"If There Is No Struggle, There Is No Progress"
(1857)

On August 3, 1857, Frederick Douglass delivered a "West India Emancipation" speech at Canandaigua, New York, on the twenty-third anniversary of the event. Most of the address was a history of British efforts toward emancipation as well as a reminder of the crucial role of the West Indian slaves in that own freedom struggle. However shortly after he began Douglass sounded a foretelling of the coming Civil War when he uttered two paragraphs that became the most quoted sentences of all of his public orations. They began with the words, "If there is no struggle, there is no progress."

EXCERPT

"Let me give you a word of the philosophy of reform. The whole history of the progress of human liberty shows that all concessions yet made to her august claims have been born of earnest struggle. The conflict has been exciting, agitating, all-absorbing, and for the time being, putting all other tumults to silence. It must do this or it does nothing. **IF THERE IS NO STRUGGLE THERE IS NO PROGRESS**. Those who profess to favor freedom and yet deprecate agitation are men who want crops without plowing up the ground; they want rain without thunder and lightning. They want the ocean without the awful roar of its many waters.

This struggle may be a moral one, or it may be a physical one, and it may be both moral and physical, but it must be a struggle. Power concedes nothing without a demand. It never did and it never will. Find out just what any people will quietly submit to and you have found out the exact measure of injustice and wrong which will be imposed upon them, and these will continue till they are resisted with either words or blows, or with both. The limits of tyrants are prescribed by the endurance of those whom they oppress."

Freedom Day

January 17.

Honoring Frederick Douglas

"If There Is No Struggle, There Is No Freedom."

Having a dream will not get you Freedom.
You have to fight for freedom.

Because Freedom is Not Free!

Abraham Lincoln'S
First Inaugural Address

Monday, March 4, **1861**

EXCERPT

"**This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing Government, they can exercise their *constitutional* right of amending it or their *revolutionary* right to dismember or overthrow it**. I can not be ignorant of the fact that many worthy and patriotic citizens are desirous of having the National Constitution amended. While I make no recommendation of amendments, **I fully recognize the rightful authority of the people over the whole subject, to be exercised in either of the modes prescribed in the instrument itself; and I should, under existing circumstances, favor rather than oppose a fair opportunity being afforded the people to act upon it. I will venture to add that to me the convention mode seems preferable, in that it allows amendments to originate with the people themselves,** instead of only permitting them to take or reject propositions originated by others, not especially chosen for the purpose, and which might not be precisely such as they would wish to either accept or refuse. I understand a proposed amendment to the Constitution—which amendment, however, I have not seen—has passed Congress, to the effect that the Federal Government shall never interfere with the domestic institutions of the States, including that of persons held to service. To avoid misconstruction of what I have said, I depart from my purpose not to speak of particular amendments so far as to say that, holding such a provision to now be implied constitutional law, I have no objection to its being made express and irrevocable."

1946

THE BATTLE OF ATHENS, TENNESSEE, August 1946 is **CASE PRECEDENT** for **THE BATTLE OF CONGRESS**, January 6, 2021 for constitutional protection for all those CONSERVATIVE PATRIOTS involved in **SECOND CIVIL WAR** resulting from **THE BATTLE OF CONGRESS.**

Battle of Athens Tennessee: An American History

Premiered on YouTube, November 1, 2020. 22m:50s video
https://www.youtube.com/watch?v=vz-Chm4d188

The Battle of Athens [TN] TheBlazeTV - REAL HISTORY

August 8, 2013 6m:57s video
https://www.youtube.com/watch?v=jtrsk1HmOKU

Watch the Full Movie on YouTube

1h:39m:32s video
https://www.youtube.com/watch?v=6c-Dsg4X4Dk

The Battle of Athens, Tennessee 1946

Don Hamrick

From My Own Research

I did my own research into the Battle of Athens, Tennessee, 1946, and I even traveled to Athens, Tennessee, for that research. See pages 15-35 in this Link for the most pristine example of a fight for freedom that I found:

https://americancommondefencereview.files.wordpress.com/2021/04/originalism-is-in-the-air-part-1.pdf

NANCY PELOSI IS NO ELEANOR ROOSEVELT!

Mrs. Roosevelt Grasps Local Facts Better Than Most

The Daily Post-Athenian, Athens, Tenn., **August 7, 1946**; pages 1, 6.

Editor's Note — Our attention has been called to Mrs. Roosevelt's column upon McMinn. She seems to have grasped the facts and significance better than any other outside writer.

McMinn A Warning — By Eleanor Roosevelt

New York, Monday — After any war, the use of force throughout the world is almost taken for granted. Men involved in the war have been trained to use force, and they have discovered that, when you want something, you can take it. The return to peacetime methods governed by law and persuasion is usually difficult.

We in the U.S.A., who have long boasted that, in our political life, freedom in the use of the secret ballot made it possible for us to register the will of the people without the use of force, have had a rude awakening as we read of conditions in McMinn County, Tennessee, which brought about the use of force in the recent primary. If a political machine does not allow the people free expression, then freedom-loving people lose their faith in the machinery under which their government functions.

In this particular case, a group of young veterans organized to oust the local machine and elect their own slate in the primary. We may deplore the use of force but we must also recognize the lesson which this incident points for us all. When the majority of the people know what they want, they will obtain it.

Any local, state or national government, or any political machine, in order to live, must give the people assurance that they can express their will freely and that their votes will be counted. The most powerful machine cannot exist without the support of the people. Political bosses and political machinery can be good, but the minute they cease to express the will of the people, their days are numbered.

This is a lesson which wise political leaders learn young, and you can be pretty sure that, when a boss stays in power, he gives the majority of the people what they think they want. If he is bad and indulges in practices which are dishonest, or if he acts for his own interests alone, the people are unwilling to condone these practices.

When the people decide that conditions in their town, county, state or country must change, they will change them. If the leadership has been wise, they will be able to do it peacefully through a secret ballot which is honestly counted, but if the leader has become inflated and too sure of his own importance, he may bring about the kind of action which was taken in Tennessee.

If we want to continue to be a mature people who, at home and abroad, settle our difficulties peacefully and not through the use of force, then we will take to heart this lesson and we will jealously guard our rights. What goes on before an election, the threats or persuasion by political leaders, may be bad but it cannot prevent the people from really registering their will if they wish to.

The decisive action which has just occurred in our midst is a warning, and one which we cannot afford to overlook.

Lincoln Said It and It Applies Now as Then

The Daily Post-Athenian, Athens, Tenn., **August 21, 1946**; Pages 1, 6.

By John Peck

> *"The government, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it."* Abraham Lincoln

We have seen the latter part of the above quotation exercised here in McMinn County. We now have the opportunity to see the first part of it carried out.

What Lincoln meant was just this *"The government of any group of people is in the hands of the people and they must carry on an active part in maintaining their government unless they want to abide by the rule of a few unscrupulous persons who find ways and means of getting the reins of power in governmental offices. If the people as a whole do not maintain a vigilant watch over matters of government a few people, grasping for power and domination find it easy to undermine all the principles of democracy."*

It has been said that the situation now prevailing in McMinn County puts its citizens in the best position of any county in the state and possibly in the nation as to the control and manipulation of its government. We are in just that position if the people as a whole will attend the countywide mass meetings tomorrow night and participate in the election of the representatives of their respective communities who will serve on the Board of Directors of the Good government League of McMinn County. The people who are elected must have the knowledge that they have the backing of all the people in their community when they go to the various meetings of the Board of Directors and vote on the matters of government that come before that body.

The choice is in your hands:

1. Take an active part in your government, as is your duty and privilege as a citizen, or

2. The next time you find that your government has fallen into the hands of unscrupulous politicians just say, *"It's my own fault, I had a chance to do something about it but slept through it."*

1956

Evelyn Miller, Appellant, v. *United States of America*, Appellee, 230 F.2d 486 (5th Cir. 1956), "**Execution of process** and the performance of duty by constituted officers must not be thwarted. But these agents, servants of a Government and a society whose existence and strength comes from these constitutional safeguards, are serving law when they respect, not override, these guarantees. **The claim and exercise of a constitutional right cannot thus be converted into a crime**."

2011

ON THE LAW CIVIL WAR

Citinhg Theresa Reinold, ***STATE WEAKNESS, IRREGULAR WARFARE, AND THE RIGHT TO SELF-DEFENSE POST-9/11*** (April 1, 2011). American Journal of International Law, Vol. 105, No. 2, 2011, Available at SSRN: https://ssrn.com/abstract=1939039.[3]

> Sovereign states have a responsibility not only to protect their own citizens but also to protect the rights and fundamental security interests of other states within their own territory.[4] However, many states around the world lack the resources to do so. **These weak states are unable to exercise effective territorial control and frequently become safe havens for terrorist networks and other irregular groups**. Yet governmental inability to exercise effective territorial control is not the only reason for the existence ***but rather its unwillingness to prevent irregular activity on its territory of safe havens around the world***; frequently, the problem is not the host state's inability. The present article analyzes the challenges posed to the *jus ad bellum* resulting from both types of safe haven scenarios: **the inability** as well as **the unwillingness** scenario.
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> **Safe havens have been defined as "ungoverned, under-governed, or ill-governed areas of a country where terrorists ... are able to organize, plan, raise funds, communicate, recruit, train, and operate in relative security because of inadequate governance capacity, political will, or both."[5] Safe havens are not a novel phenomenon, and if it had not been for about 3000 American casualties as a result of the attacks of September 11, 2001, the world would probably continue to view state weakness as a vexing – yet negligible – humanitarian problem, and not**

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[3] Note: This is an earlier version of Theresa Reinold, Duisburg-Essen University, ***STATE WEAKNESS, IRREGULAR WARFARE, AND THE RIGHT TO SELF-DEFENSE POST-9/11***, 105 American Journal of International Law, Vol. No. 2, Posted: 5 Oct 2011

[4] On sovereignty as responsibility, see Francis M. Deng, Sadikiel Kimaro, Terrence Lyons, Donald Rothchild & William I. Zartman, ***SOVEREIGNTY AS RESPONSIBILITY***. Conflict Management In Africa (1996).

[5] US Department of State, ***COUNTRY REPORTS ON TERRORISM 2008*** (Apr. 30, 2009), *available at* http://www.state.gov/s/ct/rls/crt/2008/122438.htm.

as a fundamental threat to international peace and security. After 9/11 the issue of weak and collapsed states that fail to prevent the use of their soil for the perpetration of internationally wrongful acts took center stage in world politics. The weak state's inability (or unwillingness) to exercise effective territorial control raises thorny questions regarding its responsibility for the conduct of irregular forces who use its territory as a launching pad for attacks against other states. While the use of force against private actors has received considerable scrutiny in international (legal) scholarship,[6] **the peculiarities of the weak/failed state scenario have not been adequately addressed in this literature and will therefore be explored in more detail in this article**.

2015

International Committee of the Red Cross,

WHAT ARE JUS AD BELLUM AND JUS IN BELLO?

January 22, 2015.[7]

Extract from ICRC publication "***INTERNATIONAL HUMANITARIAN LAW: ANSWERS TO YOUR QUESTIONS.***"

Jus ad bellum refers to the conditions under which States may resort to war or to the use of armed force in general. The prohibition against the use of force amongst States and the exceptions to it (self-defence and UN authorization for the use of force), set out in the United Nations Charter of 1945, are the core ingredients of jus ad bellum (see the box titled "On the Prohibition against War"). *Jus in bello* regulates the conduct of parties engaged in an armed conflict. IHL is synonymous with *jus in bello*; it seeks to minimize suffering in armed conflicts, notably by protecting and assisting all victims of armed conflict to the greatest extent possible.

IHL applies to the belligerent parties irrespective of the reasons for the conflict or the justness of the causes for which they are fighting. If it were otherwise, implementing the law would be impossible, since every party would claim to be a victim of aggression. Moreover, IHL is intended

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[6] *See*, for example, Simon Chesterman, ***MAKING STATES WORK: STATE FAILURE AND THE CRISIS OF GOVERNANCE*** (2005); Gerald B. Helman & Steven R. Ratner, ***SAVING FAILED STATES***, 89 Foreign Policy 3 (1992/1993); Robert Jackson, ***QUASI STATES: SOVEREIGNTY, INTERNATIONAL RELATIONS AND THE THIRD WORLD*** (1990); Gerard Kreijen, **STATE FAILURE, SOVEREIGNTY, AND EFFECTIVENESS: LEGAL LESSONS FROM THE DECOLONIZATION OF SUB-SAHARAN AFRICA** (2004); Daniel Thürer, Matthias Herdegen & Gerhard Hohloch, Der Wegfall Effektiver Staatsgewalt: "**THE FAILED STATE**" (1995). *See* W. Michael Reisman, ***INTERNATIONAL LEGAL RESPONSES TO TERRORISM***, 22 Houston J. of Int'l Law 3 (1999) for a standard treatment of the topic in the pre-9/11 era. *See* also Chiara Giorgetti, ***A PRINCIPLED APPROACH TO STATE FAILURE: INTERNATIONAL COMMUNITY ACTIONS IN EMERGENCY SITUATIONS*** (2010), which does not focus primarily on the issue of forcible intervention but rather aims at providing a comprehensive analysis of the phenomenon of state failure from an international legal perspective.

[7] https://www.icrc.org/en/document/what-are-jus-ad-bellum-and-jus-bello-0

to protect victims of armed conflicts regardless of party affiliation. That is why *jus in bello* must remain independent of *jus ad bellum*.

ON THE PROHIBITION AGAINST WAR

Until the end of the First World War, resorting to the use of armed force was regarded not as an illegal act but as an acceptable way of settling disputes.

In 1919, the **COVENANT OF THE LEAGUE OF NATIONS** and, in 1928, the **TREATY OF PARIS** (the Briand-Kellogg Pact) sought to outlaw war. The adoption of the **UNITED NATIONS CHARTER** in 1945 confirmed the trend: *"The members of the Organization shall abstain, in their international relations, from resorting to the threat or use of force ..."* However, the UN Charter upholds States' right to individual or collective self-defence in response to aggression by another State (or group of States). The UN **SECURITY COUNCIL**, acting on the basis of Chapter VII of the Charter, may also decide to resort to the collective use of force in response to a threat to the peace, a breach of the peace or an act of aggression.

IHL AND THE 'RESPONSIBILITY TO PROTECT' (R2P)

The **GLOBAL CENTRE FOR THE RESPONSIBILITY TO PROTECT** was set up in 2008; it plays a major role in developing and promoting the concept of the *'responsibility to protect'* (R2P), which it defines as follows:

> *"The responsibility to protect is a principle which seeks to ensure that the international community never again fails to act in the face of genocide and other gross forms of human rights abuse. "R2P," as it is commonly abbreviated, was adopted by heads of state and government at the World Summit in 2005 sitting as the United Nations General Assembly. The principle stipulates, first, that states have an obligation to protect their citizens from mass atrocities; second, that the international community should assist them in doing so; and, third, that, if the state in question fails to act appropriately, the responsibility to do so falls to that larger community of states. R2P should be understood as a solemn promise made by leaders of every country to all men and women endangered by mass atrocities."*

The concept of R2P implies that if a State manifestly fails to comply with its obligation to protect its population from four particular crimes – genocide, war crimes, ethnic cleansing and crimes against humanity – the international community has a responsibility to take joint action to protect the people in question. Such action can take various forms: diplomacy, humanitarian measures or other peaceful means; it can also, as a last resort, involve the use of force, but only after the UN

Security Council's authorization. Although R2P is referred to sometimes as an "emerging norm," it is not a binding legal obligation committing the international community, but a political instrument.

IHL provides no such basis for legalizing or legitimizing the resort to force in international relations. Neither does it prohibit States from using force for humanitarian purposes. The legality of the use of armed force in international relations is determined solely under jus ad bellum. It should be noted, however, that the rationale underlying R2P and the obligation to ensure respect for IHL are akin, to the extent that they emphasize the international community's responsibility to ensure respect for IHL and to prevent IHL violations, including war crimes and other international crimes. The use of force in the R2P context can also be regarded as one of the forms of joint action with the United Nations explicitly mentioned in Article 89 of Protocol I of 8 June 1977 additional to the Geneva Conventions (Additional Protocol I), which states that "in situations of serious violations of the Conventions or of this Protocol, the High Contracting Parties undertake to act, jointly or individually, in cooperation with the United Nations and in conformity with the United Nations Charter."

The ICRC, in accordance with the Fundamental Principle of neutrality, is neither for nor against R2P military interventions. It expresses no opinion on the measures undertaken by the international community to ensure respect for IHL. There remains this crucial point however: any use of force on grounds of R2P and/or of the obligation to ensure respect for IHL must comply with the relevant obligations under IHL and human rights law. In other words, States or international organizations taking part in armed conflicts within the context of an R2P operation must respect IHL at all times.

2021

POLITICAL POLARIZATION OF ATTITUDES?

OR A CIVIL WAR BETWEEN THE TREASONOUS DEMOCRATS AND THE PATRIOTIC REPUBLICANS?

MASK MANDATES

Madison Cawthorn, R-NC (Age 27) Constitutional Loyalist

vs.

Nancy Pelosi, D-CA (Age 82) George Soros Loyalist

July 30. 2021

MADAM SPEAKER, **You are not God**. **Your will does not bend the force or shake the mountains**, and let me assure you, **your will does not bow the knee of millions of my countrymen who refuses to heed your callous demand**. **This is nothing short of medical apartheid**. For am I to corely bend the knee, **then what is to stop you from taking your tyranny to the rest of the country I love?** How dare you tell my staff how they want to live their lives. Because they have the title honorable attached to their names means they can dictate what others may say and think repulses me. **What makes this nation special is that this free land, the people are the royalty**. So arrest us if you will. But I will not cower and I will not bend. **Madam speaker, you have come to take away our liberties. Madam speaker, in this country, you are outnumbered**.

With that I yield back.

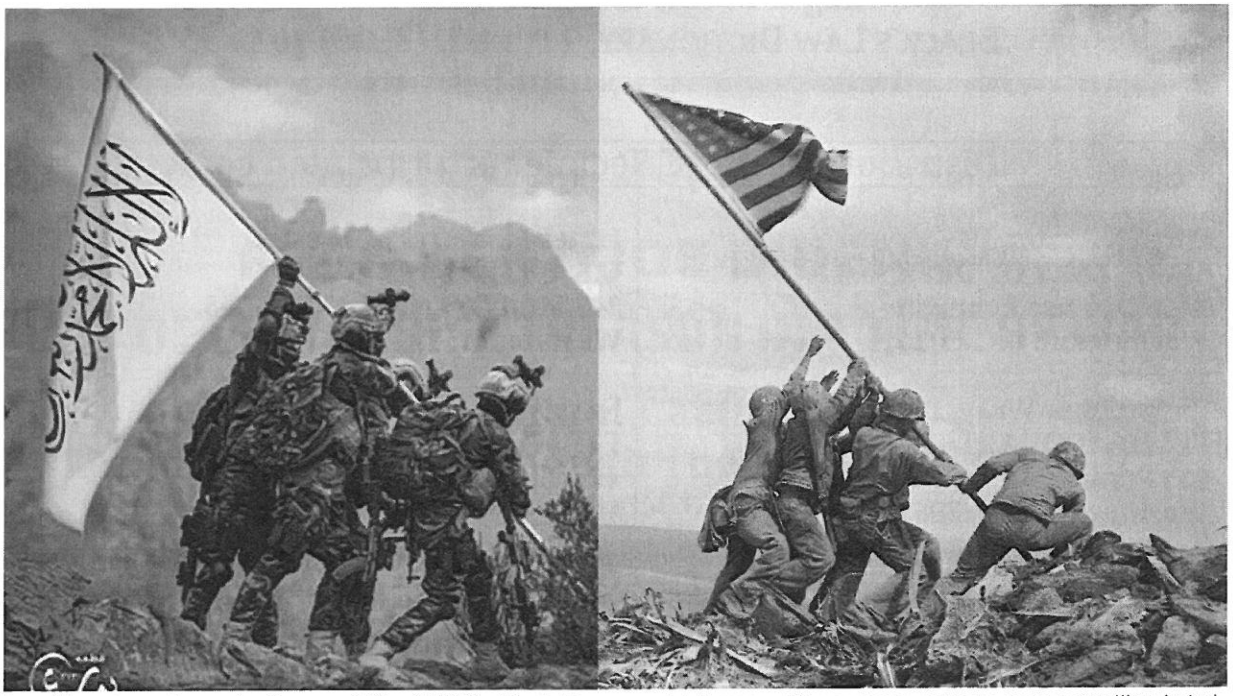
AUGUST 30, 2021

PRESIDENT JOE BIDEN'S DAY OF COWARDICE TREASON IN A TIME OF WAR

Fiat Justitia, Ruat Caelum. Latin: "Let Justice Be Done Though The Heavens May Fall."

BLACK.S LAW DICTIONARY, 11th Ed. (2019), p. 1962, #797.

JUSTIFICATION FOR THE CHARGE OF TREASON AGAINST PRESIDENT JOE BIDEN AND OTHERS DURING A PERIOD OF WAR AGAINST THE AFGHANISTAN TALIBAN (18 U.S. CODE § 2388 ACTIVITIES AFFECTING ARMED FORCES DURING WAR) FOR REFERRAL TO SECRETARY OF DEFENSE LLOYD J. AUSTIN III (SWORN IN ON JANUARY 22, 2021) FOR AN ARTICLE 94 PROSECUTION IN ACCORDANCE WITH THE UNIFORM CODE OF MILITARY JUSTICE



https://wset.com/news/nation-world/badri-313-elite-taliban-special-forces-with-us-gear-weapons-seen-patrolling-kabul

PRESIDENT JOE BIDEN HAS BECOME A DOMESTIC ENEMY OF THE STATE IN A TIME OF WAR!!! AND A DOMESTIC TERRORIST!!

PRESIDENT JOE BIDEN IS DISARMING THE AMERICAN PEOPLE WITH MORE GUN CONTROL LAWS *AD INFINITUM* WHILE ABANDONING BILLIONS OF DOLLARS IN MILITARY AIRCRAFT, VEHICLES, AND WEAPONS TO THE TALIBAN IN AN ACT OF COWARDICE IN THE FACE OF THE ENEMY IN A TIME OF WAR!!!

2021

Don Hamrick/KI5SS **Saturday, September11, 2021**
322 Rouse Street, Kensett, Arkansas 72082; (501) 742-1340 Email: ki5ss@yahoo.com

Finished writing at 9:03 AM

FOLLOW-UP ON
ENOUGH IS ENOUGH!
NO MORE UNSPOKEN TREASONS!

"Ultra Licitum," Legal Latin: *Beyond what is permissible or legal.*
BLACK'S LAW DICTIONARY, 11th ed. (2019) p. 1833

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United Nations | OFFICE ON GENOCIDE PREVENTION AND THE RESPONSIBILITY TO PROTECT	

Under the LEARNED-TREATISE RULE[8] this FOLLOW-UP & the original ENOUGH IS ENOUGH: NO MORE UNSPOKEN TREASONS is a part of my COMPLAINT OF JUDICIAL MISCONDUCT filed with the EIGHTH CIRCUIT COURT OF APPEALS in **St. Louis, Misouri**, against CHIEF JUDGE DENZIL PRICE MARSHAL and MAGISTRATE JUDGE BETH DEERE of the FEDERAL DISTRICT COURT in **Little Rock, Arkansas** issuing her RECOMMENDED DISPOSITION (CODE LANGUAGE for DISMISSAL) to which I characterized as a RECOMMENDED DISPUTATION for being a PACK OF LIES. CHIEF JUDGE LAVENSKI SMITH of the 8TH CIRCUIT JUDICIAL COUNCIL dismissed my JUDICIAL MISCONDUCT COMPLIANT to with I also characterized as a PACK OF LIES. I filed my PETITION FOR REVIEW challenging the DISMISSAL as a TREASON AGAINST THE CONSTITUTION, citing *Cohens* v. *Virginia*, 19 U.S. (6 Wheat.) 264 at 404 (**1821**):

> **"It is most true that this Court will not take jurisdiction if it should not; but it is equally true that it must take jurisdiction if it should. The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the Constitution. We cannot pass it by because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it if it be brought before us. We have no more right to decline the exercise of jurisdiction which is given than to usurp that which is not given. The one or the other would be treason to the Constitution. Questions may occur which we would gladly avoid, but we cannot avoid them. All we can do is to exercise our best judgment and conscientiously to perform our duty. In doing this on the present occasion, we find this tribunal invested with appellate jurisdiction in all cases arising under the Constitution and laws of the United States. We find no exception to this grant, and we cannot insert one."**

THE ORIGIN OF "THE PEOPLE'S REVIEW" (ORIGINALISM)

Combine ***Chisholm* v. *Georgia*, 2 U.S. (2 Dall.) 419 (1793)** "***the people are the sovereign of this country***" with the NINTH AMENDMENT "***The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people***" and the Tenth Amendment "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, ***or to the people*" *themselves*** means that ***the people themselves have the right and the duty to "Say what the Constitution means***" and to support and defend the Constitution's "***Guarantee of a Republican Form of Government***" **EVEN TO THE POINT OF THE SECOND CIVIL WAR WE ARE PRESENTLY ENGAGED**[9] because President Joe Biden is

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[8] BLACK'S LAW DICTIONARY, 11th ed. (2019), p. 1066, LEARNED-TREATISE RULE is defined as (1946) *Evidence.* An exception to the hearsay rule, by which published text may be established as authoritative, either by expert testimony or by judicial notice. ● Under the Federal Rules of Evidence, a statement in a published treatise, periodical, or pamphlet on sciences or arts (such as history or medicine) can be established as authoritative — and thereby admitted into evidence for the purpose of examining or cross-examining an expert witness — by expert testimony or by the court's taking judicial notice of the authoritative nature or reliability of the text. If the text is admitted into evidence, it may be read into the trial record, but it my not be received as an exhibit, Fed. R. Evid. 803(18).

[9] Abraham Lincoln, "The government, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it." John Peck, The

destroying the United States with his **SOCIALIST AGENDA** while his advancing mental delusions from his **ALZHEIMER'S AND DEMENTIA** continue to reck havoc to which the **WORLD GOVERNMENTS**, allies and enemies alike, have known for some time now.

What Does the United States Constitution Say About "Militia" Versus "Invasion"?

DEFINITIONS FROM BLACK'S LAW DICTIONARY, 11TH ED. (2019):

MILITIA: (16c.) **1**. A body of citizens armed and grained, esp. by a state, for military service apart from the regular armed forces. ● The Constitution recognizes a state's right to form "a well-regulated militia" but also grants Congress the power to activate, organize, and govern a federal militia. U.S. Const. amend. II; U.S. Const. art. I. § 8 cl. 15–16. See NATIONAL GUARD. **[NOTE BLACKSTONE'S LAW DICTIONARY ERROR: Citing the Second Amendment as granting Congress the power to activate, organize, and govern a federal militia. NEITHER THE FEDERAL GOVERNMENT NOR THE STATES HAVE RIGHTS, *RIGHTS [THE BILL OF RIGHGTS] BELONG TO THE PEOPLE.* The Federal & State Governments have power over the People with the exception of the *TENTH AMENDMENT POWERS RESERVED TO THE PEOPLE THEMSELVES* when the Federal and State Governments fail or refuse to, protect the *CHECKS AND BALANCE SYSTEM* of our *REPUBLICAN FORM OF GOVERNMENT* also known as a *DOUBLE-QUADPARTITE SYSTEM OF GOVERNMENT* known as *FEDERALISM* then the People have the right and duty under Common Defence Clause, the Second Amendment, the Ninth Amendment right, and the Tenth Amendment Power Reserved to the People Themselves, Militia Clause, the Thirteenth & Fourteenth Amendments (against slavery) to engage the States or the United States to defend our Freedom.]**

2. *Roman Law.* Military Service.

"The term 'Militia' has held at least two different meanings. One refers to all citizens resident aliens who may be called in an emergency. These comprise the unorganized militia which is a reservoir able-bodied manpower without individual clarification. The second meaning is the modern-day sense most commonly considered in the United States. It refers to those male citizens and/or resident aliens, generally 18-45 years, who are individually enrolled in regularly organized, uniformed, equipped, and trained National Guard units. A majority of the State Constitutions or general statutes embody this distinction." William L. Shaw, The Interrelationship of the United States Army and the National Guard, 31 Mil. L. Rev. 39, 44 (1966).

MILITIA CLAUSE. (1918) *Constitutional Law.* One of two clauses of the U.S. Constitution giving Congress the power to forth enforce compliance with its

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Daily Post-Athenian, Athens, Tenn., August 21, 1946; Pages 1, 6. See John Locke, ***SECOND TREATISE, RIGHT OF REVOLUTION***, §§ 149, 155, 168, 207–10, 220–31, 240–43 online at https://press-pubs.uchicago.edu/founders/documents/v1ch3s2.html

laws, suppress insurrection, and repell invasions. U.S. const. art. I. § 8 cl. 15 & 16.

INVASION. (17c) 1. A hostile or forcible encroachment on the rights of another.

Luke Gentile, Social Media Producer, ***PELOSI PICTURED WITH LIBERAL MEGADONOR GEORGE SOROS AND HIS SON,*** WashingtonExaminer.com, September 09, 2021.[10]

Alexander Soros, son of liberal megadonor George Soros , posted a picture on Thursday of himself alongside his father and House Speaker Nancy Pelosi, a California Democrat.

[10] https://www.washingtonexaminer.com/news/nancy-pelosi-pictured-twitter-george-soros-alexander-soros-megadonor.

The picture was posted to Twitter with the caption: "In Pelosi we trust! Was good seeing @SpeakerPelosi this weekend."

The three were standing outside with the 81-year-old House speaker between the two Soros men.

George Soros, the founder and chairman of Open Society Foundations, has been one of the largest donors for Democrats, and he reportedly finances numerous digital media outlets with the group.

Soros has donated at least $1,390,000 to Democrats in 2021, according to data provided by the Federal Election Commission.This money has gone to the Democratic National Committee, House and Senate campaigns, and PACs supporting liberal causes, FEC data reported.

The largest donation was given to the COLOROFCHANGE PAC and registered at $1 million, the numbers showed.

Cheryl K. Chumley, *GEORGE SOROS MEDDLES IN AMERICA AGAIN*, The Washington Times, September 9, 2021.[11]

ANALYSIS/OPINION:

Nikole Hanna-Jones, the creator of the "1619 Project," has now founded a "1619 Freedom School" to teach America's most vulnerable, the K-12 minds, to hate the land of the free. And guess who funded the propaganda training ground? Yep. George Soros.

Soros and his Open Society Foundations are meddling in American politics, culture and society once again, with the aim at dismantling the country and Constitution from the inside, and forever after.

The press release for the school's founding sounds the ominous alarm: "Education is a revolutionary act," it reads.

For Marxists — for Marxists like "1619 Project" advocates who believe America is a horrible country filled with horrible White people — education indeed is the way of revolution because it's the one sure-fire way of breeding the next generation in the unthinking, angry, sheeplike ways that Marxist leaders need in order to accomplish their Marxist takeovers. After all, the enemy of Marxism is critical thinking; ask too many questions, and the communist system crumbles.

Actually, the ultimate enemy of Marxism is religion — well, that is not to say organized religion so much as faithful believers in a higher power. Communists want the worship of the people for themselves. They can't have the citizenry turning to God for solutions and hope and comfort and guidance; that would lead to individualism. And individualism would lead away from collectivism. And that's just bad for Marxist business right there.

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[11] https://www.washingtontimes.com/news/2021/sep/9/george-soros-meddles-america-again/

Jim Geraghty, ***LOOK WHO'S CALLING XI JINPING 'THE MOST DANGEROUS ENEMY OF OPEN SOCIETIES IN THE WORLD'!*** August 14, 2021.

Readers of today's Wall Street Journal might at first yawn when they see another long op-ed denouncing Xi Jinping, the ruler of China:[12]

> I consider Mr. Xi the most dangerous enemy of open societies in the world. The Chinese people as a whole are among his victims, but domestic political opponents and religious and ethnic minorities suffer from his persecution much more. I find it particularly disturbing that so many Chinese people seem to find his social-credit surveillance system not only tolerable but attractive…
>
> …He is intensely nationalistic and he wants China to become the dominant power in the world. He is also convinced that the Chinese Communist Party needs to be a Leninist party, willing to use its political and military power to impose its will. Xi Jinping strongly felt this was necessary to ensure that the Chinese Communist Party will be strong enough to impose the sacrifices needed to achieve his goal.
>
> …The authorities have always been flexible enough to deal with any crisis, but they are losing their flexibility. To illustrate, a state-owned company produced a Covid-19 vaccine, Sinopharm, which has been widely exported all over the world, but its performance is inferior to all other widely marketed vaccines. Sinopharm won't win any friends for China.

[12] https://www.wsj.com/articles/xi-jinping-deng-xiaoping-dictatorship-ant-didi-economy-communist-party-beijing-authoritarian-11628885076?mod=hp_opin_pos_2

> ...To prevail in 2022, Mr. Xi has turned himself into a dictator. Instead of allowing the party to tell him what policies to adopt, he dictates the policies he wants it to follow. State media is now broadcasting a stunning scene[13] in which Mr. Xi leads the Standing Committee of the Politburo in slavishly repeating after him an oath of loyalty to the party and to him personally. This must be a humiliating experience, and it is liable to turn against Mr. Xi even those who had previously accepted him.
>
> ...In other words, he has turned them into his own yes-men, abolishing the legacy of Deng's consensual rule. With Mr. Xi there is little room for checks and balances. He will find it difficult to adjust his policies to a changing reality, because he rules by intimidation. His underlings are afraid to tell him how reality has changed for fear of triggering his anger.

For the typical conservative who has paid any attention to China, not much of this is news, or all that surprising. But what is surprising is the author: George Soros.

Yes, that George Soros. The same George Soros who declared in 2010[14] that China has "a better functioning government than the United States." (China is arguably more authoritarian, aggressive, and shameless than it was in 2010, but it's not that different.)

And while conservatives have a lot of reasons to oppose and mistrust Soros,[15] there is something spectacularly refreshing about seeing the godfather of international progressivism and one of the largest donors on the left declaring that the ruler of China is "the most dangerous enemy of open societies in the world." Maybe we can inch our way towards a bipartisan consensus that the authoritarian regime in China represents a serious and multifaceted threat.

The four parts of the JUSTINIAN CODE from the BYZANTINE EMPIRE (*Codex Iustinianus, the Digesta, the Institutiones, and the Novellae*) (known as the *Corpus Juris Civilis*) constitute the foundation documents of the *western legal tradition* like the UNITED STATES CONSTITUTION. Many of the laws contained in the *Codex* were aimed at *regulating religious practice*. The *Corpus* formed the basis not only of *Roman jurisprudence* (*including ecclesiastical Canon Law*), but also influenced civil law throughout the Middle Ages and into *modern nation states*. CORPUS JURIS CIVILIS, is the modern name for a collection of fundamental works in jurisprudence, issued from 529 to 534 by order of Justinian I, Eastern Roman Emperor.[16]

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[13] https://www.youtube.com/watch?v=DpkCV2Hd62Y

[14] https://foreignpolicy.com/2010/11/16/soros-china-has-better-functioning-government-than-u-s/

[15] https://www.nationalreview.com/the-morning-jolt/the-truth-about-george-soros-is-damning-enough/

[16] https://courses.lumenlearning.com/atd-herkimer-westerncivilization/chapter/the-justinian-code/

The survival of the American republic requires that our nation's children, the future guardians of its heritage and participants in its governance, have a clear understanding of the Founding Philosophy and the Founding Principles of government for a free people, which are found in the Ten Commandments, the Justinian Code, the Magna Carta, Declaration of Independence, the Federalist Papers, the United States Constitution, and the writings of the Founders, and an understanding of their preservation; formed and influenced the United States legal and governmental system and that exemplify the development of the rule of law, and **ACTUAL JUSTICE** because the **ACTUAL TRUTH OF THINGS** from government matters. Not the **DELUSION OF TRUTH** from a corrupt government that the **UNITED STATES** has become today from Domestic and Foreign Enemies of the State attempting to complete their Left-Wing Democrat-Progressive-Socialist destruction of the United States.[17]

The Domestic and Foreign Enemies will destroy the United States if the United States Government stays on their suicidal course of despotic intimidation and oppression by the criminalizing constitutional and human rights and duties that are supposed to be protected by the United States Constitution. This treasonous progression runs the growing risk of waking the American People to the reality of the **SECOND CIVIL WAR** currently being waged against the American People since **THE BATTLE OF CONGRESS**, January 6, 2021 until more and more People begin fighting back as has been happening at school board meetings introducing **CRITICAL RACE THEORY** instead of **CRITICAL THINKING AND OCCAM'S RAZOR** to our nation's school children.

WAKE UP AMERICA!

PUSH IS COMING TO SHOVE ESCALLATING THE NIHILISTIC POLITICAL TRIBAL WARFARE TO A FULL-BLOWN ARMED GUERILLA WARFARE TO RESTORE FREEDOM THROUGH ORIGINALISM!

Frederick Douglass, "If There Is No Struggle, There Is No Progress" (1857)

> Let me give you a word of the philosophy of reform. The whole history of the progress of human liberty shows that all concessions yet made to her august claims have been born of earnest struggle. The conflict has been exciting, agitating, all-absorbing, and for the time being, putting all other tumults to silence. It must do this or it does nothing. If there is no struggle there is no progress. Those who profess to favor freedom and yet deprecate agitation are men who want crops without plowing up the ground; they want rain without thunder and lightning. They want the ocean without the awful roar of its many waters.

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[17] https://www.ncleg.gov/EnactedLegislation/SessionLaws/PDF/2011-2012/SL2011-273.pdf

This struggle may be a moral one, or it may be a physical one, and it may be both moral and physical, but it must be a struggle. Power concedes nothing without a demand. It never did and it never will. Find out just what any people will quietly submit to and you have found out the exact measure of injustice and wrong which will be imposed upon them, and these will continue till they are resisted with either words or blows, or with both. The limits of tyrants are prescribed by the endurance of those whom they oppress.

Imperium In Imperio
"A sovereignty within a sovereignty."

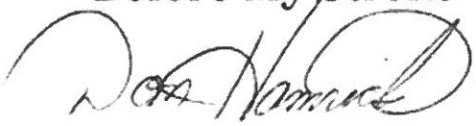
CONFIRMING THE TRUE DEFINITION OF FEDERALISM: "THE UNITED STATES CONSTITUTION PROVIDES A DOUBLE-QUADPARTITE SYSTEM OF GOVERNMENT:

		DOUBLE	
QUADPARTITE		STATE	FEDERAL
	(1)	WE, THE PEOPLE	WE, THE PEOPLE
	(2)	THE EXECUTIVE BRANCH	THE EXECUTIVE BRANCH
	(3)	THE LEGISLATIVE BRANCH	THE LEGISLATIVE BRANCH
	(4)	THE JUDICIAL BRANCH	THE JUDICIAL BRANCH

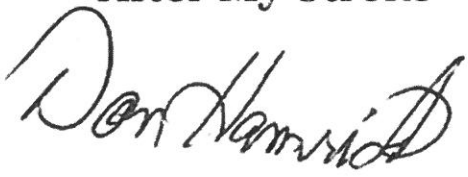
FREEDOM ISN'T FREE.
YOU HAVE TO FIGHT FOR FREEDOM.

NOT GIVE IT AWAY!

Before My Stroke



After My Stroke



The Real Threat to Democracy

Dems Want to "Rule or Ruin" Once Again

In the early months of 2022, the habit of Congressional Democrats and the media to cast their opponents as "enemies of democracy" has escalated to the point of absurdity. Between a ridiculously melodramatic observance of the January 6 anniversary of the Capitol riots, Joe Biden's speech in Georgia painting Republicans as on par with Jim Crow-era segregationists, and claims that Donald Trump must be prosecuted and arrested for his rally speeches, each breathless warning is more overwrought and histrionic than the last. The party has clearly settled on the narrative that Republican voters' doubts about the conduct of the 2020 election constitute a threat to the survival of the republic.

But look deeper, and you will find that Democrats are not really so concerned about the refusal to accept election results in general, but about the refusal of Republicans to accept Democratic victories in particular. What you will hear, if you listen closely to pundits on CNN and MSNBC as well as Democratic politicians, is not that they merely want Republicans to accept that Joe Biden is president—it is an almost hysterical demand that Republicans submit, cease all resistance to Democrats' policy preferences, or, if necessary, be silenced. The modern Left does not feel they should have to share a country with people who disagree with them.

This sort of absolutism and refusal to accept that Americans can be allowed to differ on important issues has been seen before in Democrats from another era—the Southern Fire-Eaters of the 1850s.

During the course of that decade, Southern politicians not only aban-

If it is not *[the Left's]* vision of democracy, it is not democracy and it is not legitimate.

doned a previous willingness to compromise on policy, but also adopted an approach whereby Northerners were asked not just to accept Southern demands, but to publicly state that they were just. When Stephen Douglas, the leading Democratic candidate for president in 1860–a man who had helped repeal the Missouri Compromise—refused to publicly state that he thought slavery should be respected everywhere (as opposed to merely pledging to accept the ruling of the Supreme Court in the infamous *Dred Scott* case) the Fire-Eaters broke up the Democratic Party.

They had concluded that their vision of society was so important, it could not be subject to compromise. If, because it was a minority vision, it could not be realized within the United States as it existed, then they would leave. The point was to prove this.

The South's calls first for the repeal of the Missouri Compromise, then for the admission of Kansas as a slave state, and finally, following *Dred Scott*, for the protection of slaves as property everywhere in the country, were not really intended to achieve these demands but to force the North to deny them. By denying them and demonstrating both the will and power to deny them, Northerners would then legitimize the option Fire-Eaters were really invested in: secession.

Today, Democrats are once again openly advocating some kind of disunion—and the rule-or-ruin attitude they have adopted is the same. The term comes from Lincoln's famed Cooper Union Address, when he correctly diagnosed the uncompromising approach of the South: "Your purpose, then, plainly stated, is that you will destroy the Government, unless you be allowed to construe and enforce the Constitution as you please, on all points in dispute between you and us. You will rule or ruin in all events."

It is hard to watch MSNBC or read the rhetoric in the *New York Times* or *Washington Post* and not conclude that an America that does not fulfill the Left's vision is, to them, not really America at all. That is the subtext of their suggestions that democracy is under threat. If it is not *their* vision of democracy, it is not democracy and it is not legitimate.

Many conservative intellectuals have noticed this subtext and, while correctly diagnosing the rule-or-ruin theme, they make the same error as 1850s Northern Republicans: assuming that "rule" is the "Plan A" of their opponents.

That is the fear expressed by Michel Anton in his recent American Mind article, "Blue America's Messaging Problem." Anton observes that liberal culture-war sentiment, especially in campus/workplace bubbles and online spaces such as Twitter, has turned near exterminationist, with a determination to ban all further discussion or dissent on issues such as those revolving around gender identity, about which the Left feels there is no need for debate. Fantasies abound on left-wing Twitter about authoritarian solutions to the problems of racism, sexism, economics, etc. They are combined with demands for action from the Democratic House and Senate and

continued on page 46

denouncements of Joe Manchin and Kyrsten Sinema for "treason" due to their opposition to eliminating the filibuster.

But these screeds are precisely that—fantasies. It now appears almost certain that the filibuster will remain and that even if it did not, the Supreme Court, fortified by Donald Trump's appointment of Amy Coney Barrett, would not allow the fulfillment of most of the Radical Left's often preposterous visions. Hence the urgency of the Left's claims that things like the Supreme Court, the Electoral College, and the existence of the Senate are all "anti-democratic" and in need of reform. They are busy delegitimizing the institutions that they will blame for their impending defeat, not doing anything in particular to avert it.

Conservatives do need to be aware that America's constitutional system faces a looming threat from the current intellectual climate on the left. But that threat will not come from left-wing tyranny when Democrats are in power. Rather, it will come from how the Left will respond to being out of power when they have delegitimized the process by which they got there.

Democrats and liberals have effectively established three major narrative "truths" that they have sold their voters. First, issues about which Americans disagree, such as abortion or public health mandates, are not issues of policy that allow compromise or the ability to live with an outcome you do not like. Rather, they are objective truths, meaning any answer other than their own is wrong and unacceptable. Second, no definition of democracy is legitimate except the one they define. And third, any institution that does not match up with the first two points is illegitimate.

In the Left's view today, the House of Representatives is unrepresentative due to gerrymandering, and they ignore their own complicity in the practice in Illinois, Maryland, New York, and other blue states. The Senate, which is not based on population, is also illegitimate. Even the Electoral College, whose integrity they claim to have defended on January 6, 2021, they attack as illegitimate, suggesting that since they have won the popular vote in every presidential election since 1988 except in 2004, all GOP presidents are illegitimate. In turn, this leads them to suggest the Supreme Court is illegitimate since most of its jurists were appointed by Republican presidents.

Having delegitimized the courts, the House, the Senate, and the presidency to their base, Democrats now cannot merely accept defeat. When they lose, at the very least, ambitious Democratic politicians will denounce the legitimacy of the new Republican government. But at the state level, it is likely a greater temptation will develop: simply defying and denying the legitimate authority of the federal government.

This would be nullification. It would, ironically, be Calhounism. Indeed, it is quite plausible that the next Republican administration will find itself in conflict with blue states echoing the arguments of John C. Calhoun on a host of issues, openly denying the right or authority of the federal government to interfere in their affairs. While intellectual conservatives, who have long advocated federalism, might welcome this turn of events, federalism as a proxy for partisanship is very different from federalism as a laboratory of ideas. Blue states will use their "autonomy" to engage in steadily more provocative actions to "prove" their argument that the Republican party is tyrannical, and will steadily escalate their demands because they wish to make their prophecies of oppression real rather than to achieve any specific ends. This is political nihilism of the sort that threatened the union once and risks doing so in the future.

Democracy is indeed in danger. That danger does come from an unwillingness to accept anything short of unconditional surrender from the other side. Democrats, rather than projecting, need to look long and hard at what they are actually saying and demanding, lest they find themselves pursuing a self-fulfilling prophecy of exactly the outcome they claim to most fear.★

Daniel Roman

Daniel Roman is the pen name of a frequent commentator and lecturer on foreign policy and political affairs, both nationally and internationally. He holds a PhD in International Relations from the London School of Economics.